



15/Kyle (1.129)
Gordon PATENT 03/10/98
Attorney Docket No.: A-55320-2/RFT/MTK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

POULETTY

Serial No. 08/630,383

Filed: April 10, 1996

For: CYTOMODULATING
CONJUGATES OF MEMBERS
OF SPECIFIC BINDING PAIRS

Examiner: SCHWADRON, R.

Group Art Unit: 1816

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX AF, Washington, DC 20231

on March 2, 1998

Signed: Teri Renshaw
Teri Renshaw

COMMUNICATION UNDER 37 C.F.R. § 1.129

Assistant Commissioner for Patents
BOX AF
Washington, DC 20231

Sir:

The present communication is filed under the provisions of 37 C.F.R. § 1.129 transitional after final practice; the present application clearly qualifies under those provisions given that it claims priority to U.S. patent application Serial No. 07/690,530, filed on April 23, 1991. Accordingly, the fee required under 37 C.F.R. § 1.129 and 37 C.F.R. § 1.17(r) are enclosed. Thus, the present communication serves to remove the finality of the final Office Action

03/06/1998 HIGORDON 00000033 08620383 on July 1, 1997, making the filing of an Appeal Brief unnecessary.

A timely Notice of Appeal was filed herein on September 29, 1997, thereby providing a due date for the filing of an Appeal Brief of November 29, 1997. A petition for a two month extension of time and the fee therefor was submitted with the Amendment after Final filed by Applicants on December 31, 1997. A petition for a third month extension of time and the fee therefor is enclosed herewith. This submission under 37 C.F.R. § 1.129 is, therefore, timely filed.

Applicants prepared an "Amendment After Final" which was timely filed by certificate of mailing on December 31, 1997 (a copy of the "Amendment After Final" is enclosed).

Subsequently, Applicants received an Advisory Action (Paper No. 13) mailed February 3, 1998 indicating that the previously referred to "Amendment After Final" was not entered because of considerations on alleged new issues raised by that amendment.

We submit the present communication under 37 C.F.R. § 1.129 and thereby request the resubmission of the "Amendment After Final" previously filed herein on December 31, 1997, and ask for reconsideration of its contents relative to the substantive issues still at issue.

We believe that said "Amendment After Final" contains all arguments responsive to the Final Official Action mailed on July 1, 1997, and therefore believe that it did, and now does, serve to place the present application in condition for allowance, and such is respectfully requested.

Applicants note, however, that the Examiner does state in the Advisory Action mailed herein on February 3, 1998 that the phrase "or fragment thereof"

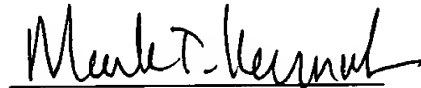
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allegedly raises the issue of new matter because there is no support for that phrase in the present specification. In this regard, Applicants wish to direct the Examiner to the specification at page 6, lines 5-6 and page 7, lines 12-13 where clear support for the phrase exists.

The Commissioner is authorized to charge any additional fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-55320-2/RFT/MTK).

Respectfully submitted,

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